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SUBJECT: ANTI-COUNTERFEITING TRADE AGREEMENT (ACTA): ITALY
INTERESTED

REF: STATE 182554

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SUMMARY

1. (SBU) The GOI is interested in further discussing a possible ACTA, but underscores that Italy is committed to working within existing multilateral organizations and arrangements (i.e., the WTO and EU), and would have to evaluate very carefully adhering to any agreement outside these arrangements. Italy is interested in attending a preliminary ACTA meeting in Washington. END SUMMARY.

2. (U) ECMIN raised ACTA with MFA Deputy Director for Economic Affairs Minister Spinetti November 17, and with Undersecretary Gianni at the Economic Development Ministry, November 21. ECMIN portrayed ACTA as a tool like-minded countries could use to advance the Intellectual Property Rights (IPR) agenda dynamically and with fewer political difficulties than high-standards countries would encounter at the World Intellectual Property Organization (WIPO), the Organization for Economic Cooperation and Development (OECD), the European Union (EU), or even the G-8.

3. (SBU) Both Spinetti and Gianni agreed with ECMIN in principle, expressed interest in the ACTA proposal, and indicated Italy agrees with ACTA's proposed goals. Spinetti and Gianni also both indicated Italy should be part of the ACTA work-in-progress (at least as an Qinterested observerQ), and Spinetti suggested Italy might attend a launching session in Washington. However, Spinetti and Gianni highlighted Italy's commitment to multilateral organizations, such as WIPO, the EU, and the G-8, and emphasized that the GOI must evaluate taking steps outside these institutions very carefully.

4. (SBU) Spinetti also told ECMIN that he had heard of a WIPO concern about ACTA Q that this agreement could potentially reduce WIPO's leadership role in international IPR protection matters.

15. (SBU) ECONCOUNS then met with Fabrizio Pagani, Chief of Staff to Undersecretary to the Prime Minister, Enrico Letta, November 22. Pagani has the working-level lead on G-8 IPR issues for Italy, and is the POC for GOI on ACTA. Pagani told ECONCOUNS that he had already discussed ACTA with Assistant Secretary Christopher Moore during the recent G-8 working-level IPR meeting in Moscow. He underscored that the current GOI is very committed to working within existing multilateral organizations, and added that it would be Qeasier,Q if the Commission were also at any negotiating table. Pagani stated, nonetheless, that Italy is very interested in the proposal and could attend a preliminary session in Washington. That said, Pagani outlined a series of GOI concerns:

- EU Commission Role in the Negotiations. Pagani does not believe the Commission has exclusive competence on IPR, but he does believe having the Commission at the table would make it QeasierQ for EU members in any eventual negotiation.

- A Role for Countries with Weak IPR Enforcement. While he understood the rationale for not including countries with weak IPR regimens (e.g., China and Russia), Pagani indicated that Italy would want to discuss further the exclusion of such countries.

- Germany G-8 IPR Focus. Pagani also expressed concern over possible political sensitivities in pursuing ACTA, while Germany simultaneously makes IPR protection a top priority of their G-8 Chairmanship.

16. (SBU) However, when ECONCOUNS asked him directly if, all the above considered, Italy could actually participate in

ACTA negotiations, Pagani replied Italy would, if it were in ItalyQs own interest to do so.

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